12:13 1
12:12:16 2 reduced size images in random access
12:12:17 3 memory; correct?
12:12:18 4 A. Yes, that's right.
12:12:19 5 Q. And the '121 patent is not
12:12:21 6 the first disclosure of the storage of
12:12:23 7 reduced size images in a frame store;
12:12:23 8 correct?
12:12:24 9 A. That's correct.
12:12:27 10 Q. Did Dan Beaulier invent the
12:12:30 11 ability to transfer images directly
12:12:33 12 from disk to random access memory?
12:12:36 13 A. No, most certainly not.
12:12:37 14 Q. You agree that was well
12:12:40 15 known at the time that Dan Beaulier
12:12:42 16 filed his patent application?
12:12:42 17 A. Yeah.
12:12:47 18 Q. Did Dan Beaulier invent the
12:12:49 19 ability to transfer images directly
12:12:51 20 from random access memory to a size
12:12:53 21 reducer?
12:12:54 22 MR. BEAMER: Objection;
12:13:05 23 indefinite.
12:13:07 24 A. Well, Mr. Beaulier, I'm
25 sorry, I don't know the exact

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12:13:08 1 pronunciation of his name, I don't
12:13:11 2 believe that he invented any of these
12:13:17 3 specific steps that you're telling
12:13:20 4 me -- that we're going through right
12:13:21 5 now. However, I do feel that
12:13:26 6 Mr. Beaulier, in my expert opinion, did
12:13:30 7 indeed invent a unique way of -- a
12:13:36 8 unique method of combining these steps
12:13:39 9 and utilizing them to the benefit
12:13:42 10 really of us, you know, in some ways of
12:13:45 11 us all, because it invented and proved
12:13:50 12 browse screen approach.
12:13:52 13 **Q. Let's focus on the specific**
12:13:53 14 **elements and on the questions I'm**
12:13:55 15 **asking you. Did Dan Beaulier invent**
12:13:59 16 **the ability to transfer images directly**
12:14:01 17 **from random access memory to a size**
12:14:03 18 **reducer?**
12:14:03 19 A. No, he did not.
12:14:04 20 **Q. Did Dan Beaulier invent the**
12:14:07 21 **browse feature?**
12:14:08 22 A. No, we know he did not.
12:14:10 23 Well, again, always with the
12:14:12 24 stipulation that I don't know his
25

patent portfolio, but if we're talking about specifically from the '121 patent, I would say no, he did not.

Q. And he was not the first to browse images stored on disk; correct?

A. That's correct.

Q. Was Dan Beaulier first to output stored images as a mosaic?

A. No, he was not.

Q. Did Dan Beaulier invent the ability to select a reduced size image in a browse in order to obtain a full size image?

A. No. We know that that's also described in the '776 patent.

Q. So you agree -- I'm sorry.

A. Yes.

Q. So you agree that was well known at the time that Dan Beaulier was working on his invention?

A. Yes.

Q. Did Dan Beaulier invent the ability to maintain a relationship between full and corresponding reduced

size images?

MR. BEAMER: Objection; vague and indefinite. Lacks foundation.

A. Again, I would say he invented a very special way of doing it that improved the browse process.

Q. What specifically did Dan Beaulier invent to maintain a relationship between full and corresponding reduced size images?

A. He invented a way of on every image capture, generating a reduced size image, transferring it along with the full size image to disk, with a correspondence between the two such that if the reduced size images were browsed, that then one would be able to, number one, browse them in a quicker way than what had been done before, and number two, be able to retrieve the full size image. Because we know that both the reduced size image and full size image resided in

12:16:29 frame store simultaneously. And at
12:16:34 that point, most certainly by the time
12:16:36 it went to disk, in terms of the
12:16:38 overall understanding of the '121
12:16:40 patent, that relationship and
12:16:44 correspondence needed to be there.
12:16:46 **Q. What specifically about**
12:16:49 **Mr. Beaulier's system allowed the**
12:16:53 **system to maintain a relationship**
12:16:55 **between the full size and its**
12:16:59 **corresponding reduced size image?**
12:17:03 A. Well, we can look at, within
12:17:09 the claim elements themselves, back to
12:17:14 the word of, for example, selective
12:17:20 transfer, where that would most
12:17:24 certainly lead one to understand that
12:17:29 if you're going to be doing a selective
12:17:33 transfer, you need to have some type of
12:17:36 a relationship.
12:17:37 **Q. Okay, I'm not asking you**
12:17:39 **right now whether there was such a**
12:17:40 **relationship in the patent. My**
12:17:43 **question to you is, what specifically**
12:17:46 about Dan Beaulier's invention enabled

12:17:50 12:17:53 12:17:57 12:17:59 12:18:01 12:18:03 12:18:05 12:18:08 12:18:15 12:18:17 12:18:21 12:18:23 12:18:26 12:18:28 12:18:34 12:18:37 12:18:40 12:18:43 12:18:45 12:18:46 12:18:47 12:18:49 12:18:51 12:18:57

his system to maintain a relationship between the full size image and its corresponding reduced size image?

A. Well, some of the -- one thing right from the start would be the fact that the reduced size image is generated automatically from the full sized image for all images that are input to the machine, and they reside in RAM together, for them to be together there is already the notion of some type of a relationship. And that then both of those are then connected directly to the disk store. And at that point there would be a direct relationship between the two.

Q. Just the fact that they are both stored on disk means that there is a relationship between the full and reduced?

A. The fact that they were captured, that the reduced size image was generated upon -- for every input, for every input frame, a reduced size

12:19:02 1 image was generated. And would then
12:19:06 2 need to reside in the frame store
12:19:09 3 simultaneously.
12:19:12 4 In terms of the overall
12:19:14 5 reading of the patent, one would
12:19:17 6 understand that when you transfer that
12:19:20 7 reduced size frame and full size frame
12:19:25 8 to the bulk store, that you would
12:19:28 9 naturally need to maintain a direct
12:19:30 10 relationship.
12:19:32 11 **Q. Right. And my question to**
12:19:34 12 **you is how did the system allegedly**
12:19:38 13 **invented by Dan Beaulier, maintain that**
12:19:41 14 **relationship between full and reduced**
12:19:43 15 **size images?**
12:19:45 16 MR. BEAMER: Objection;
12:19:46 17 asked and answered.
12:19:50 18 A. Well, there was, if you look
12:19:52 19 at the figure, there was a CPU, there
12:19:55 20 was a control means, and that control
12:19:57 21 means was able to control the transfer
12:20:04 22 of the data and keep track of this
12:20:07 23 association.
12:20:08 24 **Q. What specifically -- strike**
25

that.

How specifically did the CPU keep track of the association between the full size image and the reduced size image in Dan Beaulier's invention?

A. Well, what it would do, what it could do, this is an embodiment of the idea. I see that the CPU, again, I'm looking at the figure, I see the CPU is connected to the frame store, it's connected to the disk store. What it could do is simply keep track of -- keep track of what it's doing. Since it's automatically generating the reduced size image and full size image for every input frame, it would be able to, if the registers or whatever mechanism, computer mechanism, it would be able to keep track of whatever -- whatever it is. The frames could be given a number, for example, and a reduced size frame could be given an associated number. And both could be stored on disk and identified

accordingly.

Q. Okay. And so if the full size image is given a number and the reduced size image is given a corresponding number, that would maintain the relationship that you've described; is that your expert opinion?

MR. BEAMER: Objection; vague, overly broad, contradicts the previous testimony.

A. I'm sorry, could the question please be repeated?

Q. If the full size image is given a number and the reduced size image is given a corresponding number, that would maintain the relationship that you've described; is that your expert opinion?

MR. BEAMER: Same objection.

A. It could be used to indeed maintain a relationship. And in the '121 patent, that relationship is automatically established and maintained.

12:35:50 is novel or unique. It's the way that
12:35:54 the entire operation was taking place,
12:35:59 the way the entire system was operating
12:36:02 that was unique.
12:36:05 **Q. Okay. But the particular**
12:36:09 **operation of maintaining a relationship**
12:36:10 **between a full size image and a reduced**
12:36:13 **size image would have been obvious to**
12:36:15 **one skilled in the art as of the time**
12:36:17 **the '121 patent was filed; correct?**
12:36:18 MR. BEAMER: Objection;
12:36:19 vague, overly broad, incomplete
12:36:22 hypothetical.
12:36:24 A. The idea of having some type
12:36:34 of a relationship had to already be
12:36:38 known. There were browse stream,
12:36:40 editing systems, that already allowed
12:36:42 one to browse. And if one were to
12:36:45 browse, it would be useless to simply
12:36:46 have a browse and not be able to in
12:36:48 some way get back to your original, the
12:36:52 image that you're looking for. That
12:36:54 was prior art. That is known.
12:37:01 However, at a system level,

25:36 1
14:25:36 2 understanding.
14:25:38 3 **Q. Is it fair to say that**
14:25:39 4 **Mr. Taylor is more knowledgeable about**
14:25:41 5 **the Paint Box than you are?**
14:25:42 6 A. I would expect that to be
14:25:43 7 the case.
14:25:46 8 **Q. Have you ever observed a**
14:25:48 9 **Quantel Paint Box in person?**
14:25:52 10 A. I've seen a demo tape, but I
14:25:54 11 have not actually worked with the
14:25:58 12 Quantel Paint Box. However, I have, in
26:04 13 working for CBS, I have at least been
14:26:06 14 somewhat familiarized with different
14:26:09 15 types of equipment that's utilized,
14:26:13 16 used in a studio, and also just from my
14:26:16 17 general experiences over the years,
14:26:18 18 over the many years working in the area
14:26:23 19 of video, I have been exposed to image
14:26:27 20 processing type devices.
14:26:30 21 And in fact I've actually
14:26:32 22 been in charge of projects and programs
14:26:38 23 at Philips where we had image
14:26:41 24 processors that were -- that performed
25 some of the functions that one would --

14:26:46 1 that we know that the Paint Box could
14:26:50 2 perform. And from that I do have at
14:26:52 3 least a good amount of familiarity.
14:26:54 4 **Q. Sir, you referred to a**
14:26:56 5 **videotape in that answer. Is that the**
14:26:58 6 **videotape that Mr. Taylor prepared of**
14:27:00 7 **the Paint Box that you're referring to?**
14:27:01 8 A. Yes, I believe that's
14:27:04 9 correct.
14:27:04 10 **Q. Other than Mr. Taylor's**
14:27:07 11 **videotape, have you ever observed the**
14:27:10 12 **Paint Box?**
14:27:11 13 A. No, I have not.
14:27:12 14 **Q. Have you ever been in the**
14:27:14 15 **same room with a Quantel Paint Box?**
14:27:16 16 A. I could say probably,
14:27:21 17 probably not. I have been -- I have
14:27:26 18 been in different studios at different
14:27:28 19 times, and it's possible -- or at
14:27:31 20 different trade shows over the years,
14:27:33 21 and it's possible that I was. But not
14:27:37 22 that -- not to the extent that I was
14:27:39 23 aware that there was a Paint Box and I
14:27:41 24 went over to it and started to use it.
25

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27:43 1
14:27:44 2 **Q. Other than Mr. Taylor's**
14:27:47 3 **videotape, have you ever observed the**
14:27:50 4 **Quantel Paint Box in operation?**
14:27:52 5 A. Again, not that I'm aware
14:27:55 6 of. Unless it was used as a part of
14:27:57 7 something that I was watching on
14:28:00 8 television or something of that nature.
14:28:01 9 **Q. I take it then that you've**
14:28:03 10 **never operated the Quantel Paint Box?**
14:28:04 11 A. That's correct.
14:28:05 12 **Q. And you've never conducted**
14:28:07 13 **a detailed inspection of the Quantel**
14:28:08 14 **Paint Box?**
14:28:12 15 A. Detailed inspection of the
14:28:14 16 actual physical unit itself, that's
14:28:16 17 correct. I have reviewed materials
14:28:17 18 related to the Paint Box.
14:28:19 19 **Q. So it's correct that you've**
14:28:21 20 **never conducted a detailed inspection**
14:28:24 21 **of the actual Quantel Paint Box?**
14:28:24 22 A. That's correct.
14:28:26 23 **Q. And you've never inspected**
14:28:30 24 **the circuitry of an actual Quantel**
25 **Paint Box?**

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14:28:30 1
14:28:33 2 A. Of an actual Paint Box,
14:28:33 3 that's correct.
14:28:35 4 **Q. Did you ask your lawyers if**
14:28:38 5 **you could inspect the Paint Box that is**
14:28:41 6 **the subject of Mr. Taylor's video?**
14:28:43 7 A. No, I have not.
14:28:45 8 **Q. Did they tell you that that**
14:28:47 9 **system was made available for**
14:28:49 10 **inspection in this litigation?**
14:28:54 11 A. They may have. I don't
14:28:58 12 recall. I can't say that I recall.
14:29:00 13 **Q. Do you think it would have**
14:29:03 14 **been helpful to you to have inspected**
14:29:04 15 **the Paint Box before rendering an**
14:29:08 16 **opinion on the Paint Box?**
14:29:08 17 MR. BEAMER: Objection;
14:29:10 18 vague.
14:29:16 19 A. Generally I would say that
14:29:19 20 my understanding of the device, my many
14:29:21 21 years of experience in the field of
14:29:28 22 video, would lead me to feel that I
14:29:30 23 more or less know what it is, I can
14:29:33 24 look at the manuals that are provided
25 and have a good understanding of what

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14:29:35 1 the product is, what the product does.
14:29:40 2 **Q. Because you're comfortable**
14:29:43 3 **rendering an opinion on the Quantel**
14:29:45 4 **Paint Box without ever having actually**
14:29:49 5 **seen the Quantel Paint Box; is that a**
14:29:51 6 **fair statement?**
14:29:51 7 A. Yes, that's a fair
14:29:53 8 statement.
14:29:53 9 **Q. Are you an expert on the**
14:29:54 10 **Quantel Paint Box?**
14:29:55 11 MR. BEAMER: Objection;
14:29:56 12 asked and answered.
14:29:56 13 A. Well, as we discussed, as I
14:29:58 14 presented this morning, I am an expert
14:30:00 15 in the field of video. A person who's
14:30:02 16 had many years of experience with
14:30:05 17 video. And as such I am an expert with
14:30:09 18 video type products. And that's what
14:30:13 19 my area of expertise is in.
14:30:15 20 **Q. And my question to you,**
14:30:16 21 **sir, is, are you specifically an expert**
14:30:19 22 **on the Quantel Paint Box?**
14:30:23 23 MR. BEAMER: This was asked
14:30:24 24 and answered this morning.
25

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14:30:32 A. I consider myself to be an
14:30:34 expert on the product from my readings
14:30:36 of the material and my general
14:30:38 understanding of the video field.
14:30:43 **Q. And the first time you read**
14:30:45 **any detailed materials about the Paint**
14:30:47 **Box was February 2006?**
14:30:50 A. That's correct. Sometime in
14:30:52 February.
14:30:53 **Q. So you've been familiar**
14:30:57 **with the details regarding the Paint**
14:30:59 **Box for a little over three months?**
14:31:02 A. That's correct.
14:31:03 **Q. And it's your belief that**
14:31:05 **that makes you an expert on the Quantel**
14:31:07 **Paint Box?**
14:31:08 MR. BEAMER: Objection;
14:31:09 asked and answered, argumentative.
14:31:20 A. Again, as I said, I feel
14:31:22 that I am an expert in the field of
14:31:24 video, and I have a lot of familiarity
14:31:26 working with different types of video
14:31:28 equipment. And the Paint Box would
14:31:30 fall into that category, so I would

14:31:32 14:31:35 14:31:37 14:31:41 14:31:43 14:31:44 14:31:44 14:31:45 14:31:48 14:31:50 14:31:54 14:31:57 14:32:00 14:32:03 14:32:03 14:32:04 14:32:09 14:32:11 14:32:12 14:32:13 14:32:17 14:32:18 14:32:21 14:32:22

expect that I would feel comfortable qualifying myself as such.

Q. Do you agree that Mr. Taylor is an expert on the Quantel Paint Box?

A. Yes.

MR. BEAMER: Objection; calls for speculation.

Q. Sir, I want to ask you some questions about the Paint Box system as sold and demonstrated in March, April '82, that's the subject of Mr. Taylor's expert report. You are familiar with that report?

A. Yes, I am.

Q. Would you agree that the Paint Box could receive the video from an external source?

A. Yes.

Q. Do you agree that the Paint Box could receive video data representing full size images?

A. Yes.

Q. Do you agree that the Paint

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14:32:25 1
14:32:28 2 **Box had multiple frame stores?**
14:32:32 3 A. Yes. I know that there were
14:32:34 4 multiple frame stores, yes, that's
14:32:34 5 correct.
14:32:36 6 **Q. And those frame stores were**
14:32:38 7 **implemented with random access memory;**
14:32:39 8 **correct?**
14:32:41 9 A. Yes, that would be typical
14:32:44 10 that a frame store would be implemented
14:32:45 11 that way.
14:32:46 12 **Q. And do you agree that**
14:32:48 13 **either of those frame stores could**
14:32:50 14 **store a full size image?**
14:32:52 15 A. Yes.
14:32:54 16 **Q. Do you agree that the Paint**
14:32:56 17 **Box had at least one disk?**
14:32:58 18 A. Yes, I'm aware of that.
14:33:00 19 **Q. And the disk could store**
14:33:01 20 **video images?**
14:33:03 21 A. Yes, I'm aware of that.
14:33:05 22 **Q. It could store full size**
14:33:07 23 **video images?**
14:33:09 24 A. Yes, it could store full
25 size images.

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14:33:10 1
14:33:14 2 **Q. And the Paint Box could**
14:33:17 3 **transfer full size images from one of**
14:33:20 4 **its frame stores to disk for storage;**
14:33:22 5 **correct?**
14:33:23 6 A. Yes, that's also correct.
14:33:25 7 **Q. Do you agree that the Paint**
14:33:27 8 **Box had a size reducer?**
14:33:28 9 A. Yes, that's correct.
14:33:30 10 **Q. And do you agree that the**
14:33:32 11 **Paint Box with the use of its size**
14:33:34 12 **reducer could generate reduced size**
14:33:35 13 **images?**
14:33:45 14 A. The Paint Box was able to
14:33:49 15 reduce a full size image that was
14:33:56 16 pulled off the disk and put it into,
14:33:59 17 I'll call it a second frame store,
14:34:04 18 where it would reside. However, at
14:34:08 19 that point that reduced sized image
14:34:10 20 that was only there in that second
14:34:15 21 frame store would then be, I guess you
14:34:20 22 would stick it on to the -- into the
14:34:23 23 main frame store where that reduced
14:34:29 24 sized picture, from the full size image
25 that was pulled off the disk, would

then reside as one composite image. That much I am aware of, yeah.

Q. Let's put aside for a moment what happens when you stick the image down. We will get to that. Do you agree that the Paint Box could generate reduced size images?

MR. BEAMER: Asked and answered.

A. Yes, as I stated, that's correct.

Q. Do you agree that the Paint Box could automatically generate reduced size images?

MR. BEAMER: Objection; vague.

A. Well, automatically, under control of a user going through a series of steps.

Q. Well, if the Paint Box browse were used to browse full size images stored on disk, didn't that browse feature automatically generate reduced size images?

35:31 1
14:35:33 2 A. It created reduced size
14:35:36 3 images from the full size images that
14:35:38 4 were on disk that would go through the
14:35:41 5 size reducer and then become a part of
14:35:46 6 the displayed frame.
14:35:49 7 **Q. Okay. And in the '121**
14:35:51 8 **patent, the images are also passed**
14:35:54 9 **through a size reducer to automatically**
14:35:56 10 **generate the reduced size images,**
14:35:58 11 **according to your expert opinion;**
14:35:58 12 **correct?**
14:35:59 13 MR. BEAMER: I'm sorry,
14:36:12 14 could you read that back.
14:36:13 15 (Record read as requested.)
14:36:14 16 MR. BEAMER: Objection;
14:36:15 17 vague.
14:36:24 18 A. I'm sorry, could you please
14:36:37 19 repeat the question?
14:36:38 20 (Record read as requested.)
14:36:46 21 A. Yes, the '121 patent, in the
14:36:49 22 '121 patent, indeed full size images
14:36:51 23 are passed through the size reducer to
14:36:53 24 create reduced size images.
25 **Q. Now, you agree that the**

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36:58 1
14:37:03 2 **Quantel Paint Box, when it browsed full**
14:37:05 3 **size images stored on disk, would**
14:37:07 4 **automatically generate reduced size**
14:37:09 5 **images; correct?**
14:37:10 6 MR. BEAMER: Asked and
14:37:14 7 answered.
14:37:15 8 A. Yes. And that in fact would
14:37:21 9 be what a normal browse for a, let's
14:37:23 10 say for a still store, that would be
14:37:27 11 the normal mode of browsing. You would
14:37:30 12 invoke the browse and then that would
14:37:30 13 occur.
14:37:32 14 **Q. So we both agree that the**
14:37:34 15 **Paint Box could automatically generate**
14:37:36 16 **reduced size images; correct?**
14:37:37 17 MR. BEAMER: Asked and
14:37:38 18 answered.
14:37:40 19 A. Yes. As I stated, it can
14:37:43 20 reduce -- it can provide and generate
14:37:46 21 reduced size images, taking images,
14:37:49 22 full size images off the disk and
14:37:52 23 putting them into the output frame
14:37:52 24 store.
25 **Q. And the Paint Box could**

14:37:54 1 also generate reduced size images at
14:37:56 2 the user's option; correct?
14:37:59 3 A. Could you, when you say the
14:38:05 4 user's option, I need to understand
14:38:11 5 more what -- I mean, user's option
14:38:15 6 would be I want to see a browse screen.
14:38:20 7 I'd like to browse these full size
14:38:23 8 images. And you invoke the browse and
14:38:28 9 the Paint Box would create the reduced
14:38:32 10 size image.
14:38:33 11 Q. All right. The user could
14:38:34 12 use the Paint Box cut and paste
14:38:38 13 functionality to generate reduced size
14:38:41 14 images; correct?
14:38:44 15 A. No, that's not correct.
14:38:48 16 Q. Okay. So it's your expert
14:38:50 17 opinion that the cut and paste
14:38:52 18 functionality of the Paint Box could
14:38:54 19 not generate reduced size images?
14:38:57 20 A. That's correct. Because in
14:39:01 21 order to -- when using the cut and
14:39:07 22 paste function, we are simply creating
14:39:09 23 a cutout of our full size image.
14:39:54 24 Q. Could the Paint Box
25

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generate a reduced size image that was a small version of the full size image?

THE WITNESS: I'm sorry, could you please read back the question.

(Record read as requested.)

A. Well, as we've already discussed for the browse screen, we know that the full size image stored on disk can go through the size reducer and that that resulting reduced size image then becomes a part of a browse screen. And that that's a reduced size image that the Paint Box is able to create that way.

Q. Right. So we both agree that the Paint Box could use its size reducer to generate a reduced size image; correct?

A. Yes, in the way that -- in the way that I've described, yes.

Q. And that reduced size image could be stored in either of the frame stores; correct?

14:41:18 MR. BEAMER: Objection.
14:41:20 A. That reduced sized image
14:41:29 most certainly could be stored in the
14:41:31 output frame store. And it's
14:41:35 temporarily present in the second frame
14:41:38 store.
14:41:39 **Q. And that reduced size image**
14:41:43 **could be stored in the random access**
14:41:45 **memory of the Paint Box; correct?**
14:41:47 A. Yes, that's correct, the
14:41:49 frame store is the random access
14:41:54 memory.
14:41:55 **Q. And the reduced size image**
14:41:56 **could be stored in one frame store**
14:41:58 **while a full size image was in the**
14:42:01 **other frame store; correct?**
14:42:02 MR. BEAMER: Objection;
14:42:03 vague.
14:42:16 A. When we say stored, it's
14:42:19 stored temporarily so that it can then
14:42:21 be stuck on to the output frame store.
14:42:26 **Q. But regardless of whether**
14:42:28 **in your opinion it's temporary or not,**
14:42:31 **you agree that the Paint Box could**

14:42:33 1
14:42:36 2 **store a reduced size image in one frame**
14:42:39 3 **store and a full size image in another**
14:42:40 4 **frame store; correct?**
14:42:41 5 MR. BEAMER: Objection;
14:42:45 6 vague, asked and answered.
14:42:49 7 A. As I stated, the Paint Box
14:42:56 8 was capable of generating a reduced
14:42:59 9 size image under manual control of the
14:43:04 10 user, and having that reduced size
14:43:07 11 image reside temporarily in the second
14:43:17 12 frame store while something else is
14:43:20 13 present in the display frame store.
14:43:23 14 **Q. So the Paint Box could**
14:43:28 15 **store a full and a reduced size image**
14:43:30 16 **in random access memory simultaneously;**
14:43:31 17 **correct?**
14:43:31 18 MR. BEAMER: Objection;
14:43:35 19 vague, incomplete hypothetical.
14:43:39 20 A. It could only store it as
14:43:45 21 part of an overall operation that the
14:43:48 22 user is invoking. It could not store
14:43:51 23 it in the same sense as being stored
14:43:55 24 simultaneously in the '121 patent. I
25 can envision many instances where

anything at all can be in two separate frame stores, nothing is necessarily precluding that. But it's a matter of the entire operation and how that reduced size image got there, that's of significance to me with regard to my analysis of that.

Q. But you agree, sir, do you not, that the Paint Box could simultaneously store one full size image and one reduced size image in its frame stores simultaneously; correct?

MR. BEAMER: Asked and answered.

MR. SUMMERSGILL: Strike that. Because I said simultaneously twice. Let me try it again.

THE WITNESS: Okay.

Q. You agree, sir, do you not, that the Paint Box could store a full size image and a reduced size image in its frame stores simultaneously; correct?

MR. BEAMER: Asked and

44:59 1
14:45:02 2 answered, vague.
14:45:06 3 A. As I've stated, through a
14:45:08 4 particular series of steps, it's
14:45:11 5 possible to have the reduced size image
14:45:14 6 temporarily in one frame store. And
14:45:18 7 the full size counterpart present in
14:45:22 8 the other, the display frame store.
14:45:23 9 **Q. Now, do you agree that the**
14:45:25 10 **Paint Box could output images from disk**
14:45:27 11 **to its frame stores?**
14:45:31 12 A. Yes.
14:45:34 13 **Q. And it could output full**
14:45:35 14 **size images?**
14:45:36 15 A. Yes, that's correct.
14:45:40 16 **Q. And it could output images**
14:45:43 17 **from disk upon a user's command?**
14:45:46 18 A. Yes, I believe that's
14:45:46 19 correct.
14:45:56 20 **Q. Do you agree that the Paint**
14:45:59 21 **Box frame stores had input ports?**
14:45:59 22 A. Yes.
14:46:01 23 **Q. Do you agree that the Paint**
14:46:04 24 **Box frame stores had separate output**
25 **ports?**

53:07 1 the input port. And the element 1 of
14:53:15 2 claim 8 is simply telling me that I
14:53:25 3 need to be able to do that to the input
14:53:27 4 port of the device.
14:53:28 5 **Q. But you know that just**
14:53:29 6 **because it's random access memory;**
14:53:31 7 **correct?**
14:53:33 8 MR. BEAMER: Objection;
14:53:34 9 argumentative.
14:53:41 10 A. Yes. Because it's random
14:53:43 11 access memory, I would expect it to
14:53:45 12 have an input port and an output port.
53:47 13 **Q. So what does the addition**
14:53:49 14 **of the words an input port and an**
14:53:52 15 **output port add to the meaning of the**
14:53:54 16 **first element of claim 8?**
14:53:56 17 MR. BEAMER: Asked and
14:53:58 18 answered.
14:53:58 19 A. As I've said, it doesn't
14:54:00 20 have any particular significance to me.
14:54:02 21 **Q. Now, in any event, you**
14:54:05 22 **agree that the Paint Box has the input**
14:54:12 23 **port and an output port requirement**
14:54:16 24 **that's set forth in the first element**
25

14:54:18 1
14:54:20 2 of claim 8; correct?
14:54:24 3 A. Yes. As would many,
14:54:27 4 basically every or many other such
14:54:28 5 devices. Yes, that's correct.
14:54:30 6 Q. You agree that the Paint
14:54:31 7 Box had a computer that controlled the
14:54:33 8 system functions?
14:54:33 9 A. Yes.
14:54:36 10 Q. Controlled the transfer of
14:54:39 11 images from RAM to disk?
14:54:41 12 A. Yes, that's correct.
14:54:43 13 Q. The Paint Box computer
14:54:44 14 controlled the generation of reduced
14:54:47 15 size images?
14:54:51 16 A. Through operator commands,
14:54:52 17 yes, that's correct.
14:54:55 18 Q. And the Paint Box computer
14:55:09 19 controlled the transfer of reduced size
14:55:12 20 images from the Paint Box size reducer
14:55:15 21 to random access memory; correct?
14:55:17 22 A. Yes, that's correct.
14:55:18 23 Q. Do you agree that the
14:55:21 24 transfer of reduced size images from
25 the size reducer to Paint Box random

access memory was direct?

A. I'm sorry, could you please read back the question?

Q. Do you agree that the transfer of reduced size images from the size reducer to random access memory was direct in the Quantel Paint Box?

A. I believe that the image from the size reducer would, in the case of the browse, those images would go directly to the random access memory. And in the case we were describing before, where the user invokes its size reduction, yes, that that is the case.

Q. Okay. So reduced size images in the Paint Box could be transferred directly from the size reducer to random access memory; correct?

A. Yes. And that would be -- we know that from the prior art as well. For example, in the '776 patent,

14:56:39 1
14:56:48 2 we know that -- I'm sorry, we were
14:56:50 3 talking about going from the disk to
14:56:52 4 the random access memory?
14:56:53 5 **Q. I was asking you about the**
14:56:56 6 **transfer from size reducer to random**
14:57:02 7 **access memory.**
14:57:04 8 A. Yes, we know that, as in the
14:57:12 9 case of the figure 19 in the -- I just
14:57:14 10 want to make sure, I'm just looking at
14:57:20 11 the figure. Figure 18. We know that
14:57:23 12 we have a direct transfer from -- this
14:57:25 13 is in the '776 patent, of the size
14:57:29 14 reducer to the random access memory at
14:57:30 15 the frame store, yes, that's correct.
14:57:32 16 **Q. So do you agree that the**
14:57:34 17 **Quantel Paint Box could transfer images**
14:57:38 18 **directly from the size reducer to the**
14:57:39 19 **random access memory?**
14:57:40 20 A. Yes, that's correct.
14:57:41 21 **Q. And do you agree that the**
14:57:43 22 **Paint Box could transfer images**
14:57:48 23 **directly from the disk to random access**
14:57:49 24 **memory?**
25 MR. BEAMER: Read that back,

15:00:17 that the Paint Box filter card
15:00:18 contained random access memory?
15:00:21 MR. BEAMER: Objection;
15:00:21 vague.
15:00:22 A. I believe it did. I would
15:00:24 need to look at the manual to be sure
15:00:27 that that's the type of memory that it
15:00:31 had.
15:00:31 Q. Was the transfer from disk
15:00:35 to the random access memory of the
15:00:38 filter card a direct transfer?
15:00:41 A. It's my understanding that
15:00:45 it would be.
15:00:49 Q. Now, the Paint Box frame
15:00:53 store could also output video images
15:00:57 for display on the Paint Box frame
15:00:59 store; correct?
15:01:00 A. Yes, that's right.
15:01:01 Q. The Paint Box with the use
15:01:04 of its combiner, could access a reduced
15:01:08 size image stored at one frame store
15:01:10 and a full size image stored at another
15:01:13 frame store simultaneously; correct?
15:01:21 THE WITNESS: I'm sorry,

15:07:40 1
15:07:44 2 **access one reduced size image and one**
15:07:46 3 **full size image simultaneously;**
15:07:54 4 **correct?**
15:07:56 5 A. Yes, as I would expect.
15:07:57 6 **Q. And you agree --**
15:07:58 7 MR. BEAMER: Are you done
15:07:59 8 with your answer?
15:08:00 9 A. As I would expect for
15:08:03 10 products of this nature, it most
15:08:05 11 certainly would be possible to have,
15:08:08 12 and I would expect, some type of a
15:08:10 13 combiner circuit that would perform
15:08:12 14 that type of an operation.
15:08:15 15 **Q. So that was well known in**
15:08:15 16 **the art?**
15:08:17 17 A. Yes, that was well known in
15:08:17 18 the art.
15:08:19 19 **Q. Now, you agree that the**
15:08:21 20 **Paint Box had a browse feature.**
15:08:24 21 A. Yes, I'm familiar with that.
15:08:25 22 **Q. And you agree that the**
15:08:27 23 **Paint Box could store multiple reduced**
15:08:31 24 **size images in random access memory?**
25 MR. BEAMER: Read that back,

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16:09:35 Q. Sir, before the break you
16:09:36 were describing the process by which an
16:09:38 operator using the Paint Box could put
16:09:41 a rectangle around the reduced size
16:09:45 image in the frame store and save only
16:09:47 the pixels corresponding to that image
16:09:51 to disk; is that correct?
16:09:53 A. I was referring to using the
16:09:59 rectangle function to select those
16:10:02 pixels which were from the -- which
16:10:08 were from the full size image which was
16:10:11 reduced and stuck on to the full size
16:10:13 image to create a new composite full
16:10:16 size image and using the rectangle
16:10:18 function for that operation, yes.
16:10:19 Q. When the operator places
16:10:21 the rectangle over the pixels that
16:10:26 represent the reduced size image, or
16:10:31 what you call part of the full size
16:10:33 image, only the pixels within that
16:10:35 rectangle are saved to disk; correct?
16:10:38 MR. BEAMER: Objection.
16:10:40 A. That's my understanding.
16:10:44 Q. So assuming that you

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10:47 1
16:10:50 2 generated a reduced size image using
16:10:54 3 the '121 patent that started on disk,
16:10:56 4 then assuming you've taken the same
16:11:00 5 full size image and generated a reduced
16:11:02 6 size image on the Paint Box and used
16:11:05 7 the rectangle function to store the
16:11:07 8 pixels corresponding to that image to
16:11:11 9 the disk, at that point is there any
16:11:14 10 difference between the pixels of the
16:11:19 11 reduced sized image in the '121 system
16:11:22 12 disk versus the pixels of the reduced
16:11:25 13 sized image on a Paint Box disk?
16:11:26 14 MR. BEAMER: Objection;
16:11:32 15 incomplete hypothetical.
16:11:34 16 A. Well, again, if we're
16:11:37 17 focusing on strictly the pixel data and
16:11:40 18 not the process that got us there, and
16:11:45 19 if I were to also disregard the
16:11:48 20 potential that the rectangle did not
16:11:51 21 exactly register over what you're
16:11:53 22 calling the reduced sized image and
16:11:56 23 what I'm calling certain pixel values
16:11:59 24 within the full size image, there is no
25 reason for me to believe that there

16:12:00 1
16:12:03 2 would be any difference or significant
16:12:07 3 difference, other than as well what we
16:12:10 4 had already discussed about the quality
16:12:13 5 or operations within the size reducer,
16:12:15 6 as to how it actually performed that
16:12:19 7 generation of the reduced sized image.
16:12:22 8 **Q. So putting aside how you --**
16:12:23 9 **strike that.**
16:12:25 10 **Putting aside how an**
16:12:27 11 **operator got to this point, a reduced**
16:12:29 12 **sized image stored on the Paint Box**
16:12:32 13 **disk is the same as a reduced sized**
16:12:34 14 **image stored on the '121 system disk;**
16:12:35 15 **is that correct?**
16:12:36 16 MR. BEAMER: Objection;
16:12:38 17 asked and answered.
16:12:40 18 A. As I've stated, that is
16:12:45 19 correct. I would not particularly
16:12:48 20 characterize what's being stored in the
16:12:50 21 disk of the Paint Box as being a
16:12:53 22 reduced size image. But if I were to
16:12:56 23 do a comparison of that particular
16:13:00 24 cutout that's stored on the disk of the
25 Paint Box and compare it to the actual

16:13:05 1
16:13:08 2 reduced size image that would be
16:13:11 3 resulting from the '121 patent, I would
16:13:14 4 expect those pixel values to correlate.
16:13:17 5 **Q. Now, you mentioned the**
16:13:20 6 **possibility that the operator in**
16:13:23 7 **placing the rectangle function over the**
16:13:27 8 **reduced size image could miss and**
16:13:30 9 **capture additional pixels. Do you**
16:13:31 10 **recall that?**
16:13:32 11 A. Yes, that's correct.
16:13:37 12 **Q. If the operator misses with**
16:13:41 13 **a rectangle and captures -- strike**
16:13:41 14 **that.**
16:13:43 15 **If the operator misses with**
16:13:47 16 **the rectangle and slices out some of**
16:13:51 17 **the pixels of that reduced size image**
16:13:56 18 **when he is storing that image to disk,**
16:14:00 19 **is it the same image as what's been**
16:14:01 20 **stored on the '121 disk?**
16:14:02 21 MR. BEAMER: Objection;
16:14:14 22 vague, incomplete hypothetical.
16:14:16 23 A. I'm sorry, could you please
16:14:23 24 repeat the question?
25 Q. In paragraph 139 of your

16:50:39 1 **reduced size images are generated from**
16:50:42 2 **full size images that have already been**
16:50:44 3 **stored on disk; correct?**
16:50:45 4 A. Well, I don't view the
16:50:47 5 cutouts as being reduced sized images.
16:50:54 6 Those are cutouts that are stored in
16:50:56 7 the Paint Box.
16:50:57 8 **Q. Let's assume for a moment**
16:50:58 9 **that the cutouts are reduced sized**
16:51:01 10 **images. With that assumption in mind,**
16:51:04 11 **the Paint Box generation of reduced**
16:51:07 12 **size images from full size images that**
16:51:10 13 **have been stored on disk is covered by**
16:51:12 14 **the invention of the '121 patent;**
16:51:15 15 **correct?**
16:51:16 16 MR. BEAMER: Objection;
16:51:17 17 incomplete hypothetical and lacks
16:51:18 18 foundation.
16:51:25 19 A. The '121 patent teaches an
16:51:27 20 entire process whereby we need to --
16:51:36 21 whereby we need to go directly from the
16:51:43 22 disk to the frame store without passing
16:51:49 23 through the size reducer. So I don't
16:51:53 24 believe that the scenario you just
25

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16:59:27 1
16:59:30 2 Q. And that scenario,
16:59:32 3 according to the expert opinion set
16:59:34 4 forth in your expert report, is covered
16:59:37 5 by the invention of the '121 patent;
16:59:37 6 correct?
16:59:38 7 A. That's correct.
16:59:41 8 Q. So the '121 patent does not
16:59:43 9 require the generation of reduced size
16:59:46 10 images prior to the storage of the full
16:59:49 11 size image on disk; does it?
16:59:50 12 MR. BEAMER: Objection;
16:59:51 13 lacks foundation.
16:59:54 14 A. No, it does not.
16:59:57 15 Q. Now, sir, we've discussed
17:00:00 16 the Paint Box browse earlier. Do you
17:00:01 17 recall that?
17:00:02 18 A. Yes.
17:00:04 19 Q. You agree that the Paint
17:00:05 20 Box had a browse feature?
17:00:06 21 A. Yes, that's correct.
17:00:12 22 Q. And you agree that the
17:00:14 23 Paint Box with the use of its cut and
17:00:17 24 paste function could create cutouts?
25 A. That's correct.

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Q. And the Paint Box could reduce the size of those cutouts; correct?

A. That's correct.

Q. And the Paint Box could store those reduced size cutouts to disk; correct?

MR. BEAMER: Objection.

A. The Paint Box could store cutouts to disk.

Q. And the Paint Box could then browse cutouts that were stored on disk; correct?

A. Yes, that's correct.

Q. And it could browse reduced size cutouts that were stored on disk; correct?

A. Yes, that's my understanding.

Well, when we say reduced sized cutouts, though, what we're talking about are cutouts. They are still cutouts.

Q. Well, cutouts can be

01:17 reduced in size; correct?

17:01:19 A. Yes, it's my understanding that you would be able to pull up a cutout and manipulate it, for example, reducing it in size.

17:01:20 Q. And after you reduce it in size, you can store that cutout to disk on the Paint Box; correct?

17:01:22 A. That's my understanding, yes.

17:01:26 Q. And then using the Paint Box browse function, you can browse through cutouts that are stored on disk; correct?

17:01:28 A. Yes, that's correct.

17:01:33 Q. And that's set forth in the Paint Box manual guide; correct? Strike that.

17:01:36 That's set forth in the Paint Box user guide; correct?

17:01:38 A. Yes, I have reviewed that document, I believe that -- I know that that is correct, yes.

17:01:40 Q. And as far as you know, the

17:01:40

17:01:43

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17:01:47

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17:02:00

17:02:02

17:02:04

17:02:07

17:02:15

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02:16 1
17:02:18 2 Paint Box user guide describes the
17:02:20 3 operations of the Paint Box accurately;
17:02:21 4 correct?
17:02:23 5 A. To the best of my knowledge
17:02:24 6 and understanding, yes, that's correct.
17:02:27 7 Q. You don't have any reason
17:02:29 8 to believe that the Paint Box user
17:02:31 9 guide does not accurately describe the
17:02:34 10 operations of the Quantel Paint Box;
17:02:34 11 correct?
17:02:40 12 A. That's correct.
02:45 13 Q. Now, you reviewed
17:02:47 14 Mr. Taylor's videotape that he attached
17:02:49 15 to his expert report; correct?
17:02:50 16 A. Yes, that's correct.
17:02:51 17 Q. And do you recall on that
17:02:54 18 videotape that Mr. Taylor demonstrated
17:02:58 19 the browse of reduced size cutouts?
17:02:59 20 A. Yes, I do recall. I believe
17:03:01 21 that was at the end.
17:03:02 22 Q. Yes, close to the end,
17:03:03 23 that's correct.
17:03:03 24 A. Yes.
25 Q. Do you recall he also

demonstrated the browse of full size images that were stored on disk?

A. Yes, I do recall.

Q. And do you recall that the browse of the reduced size cutouts was faster than the browse of the full size images?

A. Yes, I recall that. I would expect that that could be the case.

Q. Why is the browse of the cutouts in the Taylor video faster than the browse of the full size images?

A. Well, the browse of the full size images requires, as in figure 18 of the '776 patent, for every reduced size image that becomes a part of the edit screen or part of the browse, must come from a disk, go through the size reducer, and then be inserted into the output, the frame store for output. And therefore we know that that's the, what I'll call the slow browse approach, that was prior art, for example, to the '121 patent, and we all

pulling off the amount of data for these individual pieces.

Q. So one of the reasons the Paint Box browse cutouts is faster than the Paint Box browse of full size images, is because the cutouts contain less data than the full size images; correct?

A. Yes. Because again, what bogs down the system is needing to pull off the full size image. And in fact that's what is such a benefit of the '121 system, where you don't need to be able -- where you don't need to pull off the full size image and send it through the size reducer each time.

Q. Now, you agree that the demonstration that Mr. Taylor showed on his videotape could actually be done on the Quantel Paint Box; correct?

A. I have no reason to think that an operator couldn't set up the steps to be able to create that -- to be able to create that effect.

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17:14:05 1
17:14:06 2 **Q. Now, when the Paint Box**
17:14:10 3 **browses full size images, the operator**
17:14:17 4 **can then select one of the resulting**
17:14:20 5 **reduced size images in the browse in**
17:14:22 6 **order to obtain the full size image;**
17:14:24 7 **correct?**
17:14:30 8 A. We are talking about for the
17:14:30 9 Paint Box?
17:14:33 10 **Q. Yes.**
17:14:35 11 A. Yes, that's correct.
17:14:44 12 **Q. So in the Paint Box, when**
17:14:48 13 **an operator selects a reduced size**
17:14:50 14 **image in the browse in order to obtain**
17:14:53 15 **a full size image corresponding to that**
17:14:57 16 **reduced size image, is there a working**
17:14:59 17 **relationship between the browsed image**
17:15:03 18 **and its corresponding full sized image?**
17:15:06 19 A. For that moment in time,
17:15:09 20 yes. Because the full size image went
17:15:12 21 through -- went through the size
17:15:17 22 reducer and a browse screen was
17:15:23 23 created. And then there would be a way
17:15:28 24 to go from the reduced sized image
25 that's in the browse screen to, back to

15:30 1
17:15:33 2 the full sized image. And of course
17:15:34 3 that's really what the prior art
17:15:36 4 systems all allowed you to do that,
17:15:40 5 otherwise the notion of browsing really
17:15:43 6 wouldn't -- it wouldn't work, because
17:15:46 7 then you wouldn't be -- you wouldn't be
17:15:47 8 browsing.
17:15:49 9 **Q. Now, sir, we talked earlier**
17:15:54 10 **about the embodiment of, Mr. Beaulier's**
17:15:56 11 **embodiment of the '121 system, which**
17:16:00 12 **was the ESS-3 system. Do you recall**
17:16:01 13 **that?**
17:16:10 14 A. I'm not sure when we
17:16:11 15 discussed that. Sorry.
17:16:13 16 **Q. Fair enough. We may not**
17:16:17 17 **have used the term ESS-3.**
17:16:26 18 **The system designed by**
17:16:28 19 **Mr. Beaulier, in your expert opinion,**
17:16:29 20 **maintained a relationship between full**
17:16:33 21 **and reduced size images by assigning a**
17:16:36 22 **number to the reduced size image that**
17:16:37 23 **correlated with the number assigned to**
17:16:40 24 **the full size image; correct?**
25 A. In a particular example, one

30:28	1	
18:30:30	2	ways similar discussion as for the
18:30:40	3	Paint Box.
18:30:40	4	MR. SUMMERSGILL: I have
18:30:42	5	just a few more questions, then I'll
18:30:46	6	let Mr. Beamer ask some questions.
18:30:49	7	**Q. In paragraph 40 of your**
18:30:54	8	**expert report -- strike that.**
18:30:55	9	**Do you agree that all of the**
18:30:59	10	**components of the '121 patent were**
18:31:02	11	**known in the art?**
18:31:03	12	MR. BEAMER: Objection;
18:31:05	13	overly broad.
18:31:06	14	A. Well, what I know is that
18:31:11	15	the '121 patent is an improvement over
18:31:19	16	what was then the state of the art. So
18:31:22	17	what is -- what's improved is the
18:31:28	18	method of operation, and not the actual
18:31:34	19	elements themselves. So that's
18:31:34	20	correct.
18:31:37	21	**Q. Now, in paragraph 30 of**
18:31:43	22	**your expert report, you indicate that**
18:31:45	23	**the invention would increase the**
	24	**marketability of digital cameras.**
	25	**Do you see that?**

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C E R T I F I C A T E

STATE OF NEW YORK)

: ss.

COUNTY OF NEW YORK)

I, ERIC J. FINZ, a Shorthand Reporter and Notary Public within and for the State of New York, do hereby certify:

That ALAN CAVALLERANO, the witness whose deposition is hereinbefore set forth, was duly sworn by me and that such deposition is a true record of the testimony given by the witness.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8 day of May, 2006.

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ERIC J. FINZ